

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 709 - SB 1028

February 15, 2013

**SUMMARY OF BILL:** Extends the statute of limitations for trafficking for commercial sex acts, promoting prostitution, patronizing prostitution, and soliciting sexual exploitation of a minor to 25 years after the victim becomes 18 years of age.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$27,300/Incarceration\***

Assumptions:

- Currently, the statute of limitations for trafficking for commercial sex acts, promoting prostitution, patronizing prostitution, and soliciting sexual exploitation of a minor vary from 2–15 years. The proposed legislation would increase these statutes of limitation to 25 years from the date the victim/child reaches the age of 18.
- The Department of Corrections (DOC) estimates that an extension of these statutes of limitation will result in a five percent increase in admissions for each of the four offenses.
- According to the DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, there has been an average of 6.9 admissions for promoting prostitution, a Class E felony, over the last 10 years. The proposed legislation will result in one additional admission every three years ( $6.9 \times 0.05 = .345$ ).
- The average time served for a Class E felony is 1.21 years (441.95 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, is based on one additional offender every three years serving 1.21 years (441.95 days) for a total of \$9,453 [ $(\$64.17 \times 441.95 \text{ days}) / 3$ ].
- According to the DOC, there has been an average of 0.67 admissions for trafficking for commercial sex acts, a Class B felony, over the last three years. The proposed legislation will result in one additional admission every thirty years ( $.67 \times 0.05 = .03$ ).
- The average time served for a Class B felony is 5.29 years (1,932.17 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, is based on one additional offender every thirty years serving 5.29 years (1,932.17 days) for a total of \$4,133 [ $(\$64.17 \times 1,932.17 \text{ days}) / 30 \text{ years}$ ].


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- According to the DOC, there has been an average of 2.1 admissions for soliciting sexual exploitation of a minor, a Class B felony, over the last 10 years. The proposed legislation will result in one additional admission every nine years ( $2.1 \times .05 = 0.11$ ).
- The average time served for a Class B felony is 5.29 years (1,932.17 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, is based on one additional offender every eight years serving 5.29 years (1,932.17 days) for a total of \$13,776 [ $(\$64.17 \times 1,932.17 \text{ days}) / 9 \text{ years}$ ].
- According to the DOC, there have been no admissions for patronizing prostitution of a minor, a Class E felony, since it was enacted. Therefore, it is estimated that extending the statute of limitations for patronizing prostitution of a minor will not result in a significant impact to the Department's allocated budget for this offense. Any cost can be accommodated within the existing resources of DOC without an increase appropriation.
- The total additional incarceration cost is \$27,362 ( $\$9,453 + \$4,133 + \$13,776$ ).
- Any increase in caseloads for the District Public Defenders Conference or the District Attorneys General Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increase appropriation or reduced reversion.

*\*Tennessee Code Annotated § 9–4–210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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